



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

Installment Ninety Two

Ask the Consul – Holiday Visas (B1/B2)

Q: What are the qualifications for a tourist visa?

The United States Embassy wants all qualified visa applicants to be able to travel to the U.S. One of the key functions of the Consular Section at the Embassy is to facilitate legitimate travel to the U.S. This being said, the U.S. immigration law relating to the issuance of non-immigrant visas for the purpose of travel for business and pleasure is very strict.

Section 214(b) of the Immigration and Naturalization Act states that *every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer ... that he is entitled to nonimmigrant status*. This means that all non-immigrant visa applicants are presumed to be immigrants (and hence not eligible for non-immigrant visas) unless and until they satisfy the consular officer that they qualify for one of the nonimmigrant visa categories defined in INA. Per section 291 of the INA, the burden of proof is on the applicant to demonstrate this. If a non-immigrant visa applicant does not meet this burden of proof to the satisfaction of the consular officer, then by law, the alien is considered to be an applicant for immigrant status and should not receive a nonimmigrant visa.

In order to qualify for a non-immigrant visa for the purpose of traveling to the U.S. for business or pleasure, or transit, applicants must overcome this presumption of immigrant intent by demonstrating strong personal ties to a location outside of the U.S.

Q: What are strong ties and how can I demonstrate them?

Strong personal ties include, but are not limited to, financial assets, employment, and social and familial bonds. Consular officers consider the totality of an applicant's circumstances when adjudicating non-immigrant visa applications. This means that an officer will ask you a series of questions about your life and living circumstances in Guyana. Your truthful answers to these questions will help establish your "ties to Guyana" and form the basis of the consular officer's decision. If the consular officer does not believe your ties to Guyana are strong enough or finds answers to questions to not be credible, then you do not overcome the presumption of immigrant intent, and you cannot be issued a non-immigrant visa.

It is very important to realize that not everyone qualifies for non-immigrant visas. The fact that you do not qualify for a non-immigrant visa does not imply that you have done something wrong or that there is something you need to do differently during the interview process to qualify. It simply means that based on your circumstances you simply do not have, or are unable to demonstrate that you have, sufficient ties to Guyana to qualify for the visa. Before applying for any type of visa you should review the qualifications. If you feel that you are not qualified then it does not make sense to apply for the visa.

Q: What do I need to bring to the interview?

Applicants applying for visitor visas need only bring their passport and application form. The Embassy will evaluate the applicant's qualifications based on the interview alone and will not review any additional documents related to visa applications. This policy allows for better consideration of the applicant's qualifications. All applicants should come to their interview prepared to speak about their reasons for visiting the United States and their ties to Guyana. Applicants applying for visas for other purposes, such as student or crewmember visas, should come prepared with all required documents. A list of specific required documents for different visa categories can be found at the Embassy website <http://georgetown.usembassy.gov/visas/niv.html>.

Applicants should check their passports to make sure they have AT LEAST six months remaining validity and to ensure that their passports are in good condition. The Embassy cannot issue a visa in a passport that is damaged or mutilated or soon to expire.

Q: My non-immigrant visa application was denied. May I reapply?

Applicants who have been refused non-immigrant visas may choose to reapply at anytime. However, if your circumstances have not changed from the time that you were last refused it is highly unlikely that you will now qualify for the visa. If, after reviewing the qualifications for a non-immigrant visa, you still feel that you are qualified you may pay the non-refundable application fee again, make a new online appointment, and complete the DS-156 application form again. You should be prepared to discuss how your circumstances have changed from the last time that you applied or to discuss pertinent information that the consular officer may not have had available to consider during our prior application.

"Ask the Consul" is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at <http://georgetown.usembassy.gov/ask-the-consul.html> For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.

*Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul.
Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.*